

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

NASSROLLAH BEHMARD,

Plaintiff,

v.

WASHOE COUNTY SHERIFF'S
DEPARTMENT,

Defendant.

Case No.: 3:23-cv-00607-ART-CSD

ORDER

Pro se plaintiff Nassrollah Behmard, an inmate at Washoe County Detention Facility ("WCDF"), has submitted a complaint under 42 U.S.C. § 1983 and filed an application to proceed *in forma pauperis*. But the application to proceed *in forma pauperis* is incomplete because Plaintiff did not submit an inmate trust fund account statement for the previous six-month period with it. Even if Plaintiff has not been at WCDF for a full six-month period, Plaintiff must still submit a financial certificate and an inmate trust fund account statement for the dates that Plaintiff has been at the facility.

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. See 28 U.S.C. § 1914(b). "Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*." Nev. Loc. R. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court's approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court's approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. R. LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her obligation to pay the

1 filing fee, it just means that the inmate can pay the fee in installments. See 28 U.S.C.
2 § 1915(b).

3 It is therefore ordered that Plaintiff has **until January 30, 2024**, to either file an
4 inmate trust fund account statement or pay the full \$402 filing fee.

5 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
6 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff
7 to refile the case with the Court, under a new case number, when Plaintiff can file a
8 complete application to proceed *in forma pauperis* or pay the required filing fee.

9 The Clerk of the Court is directed to send Plaintiff Nassrollah Behmard the
10 approved form application to proceed *in forma pauperis* for an inmate and instructions for
11 the same and retain the complaint (ECF No. 1-1) but not file it at this time.

12 DATED THIS 1st day of December 2023.

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UNITED STATES MAGISTRATE JUDGE